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ABSTRACT

This is the 19th in a continuing series of kit-booklets issued to help school boards develop written policies in key areas. The intent in providing samples is to encourage thinking in policy terms; and to provide working papers to be edited, modified or adapted to meet local requirements. The negotiation subtopics covered in the samples include (1) legal status, (2) goals and objectives, (3) scope, (4) superintendent's role, (5) bargaining meeting procedures, (6) impasse procedures, and (7) professional staff negotiating organization. (Author/JF)

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SCHOOL BOARD POLICIES ON NEGOTIATIONS

#72-72

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. . . a school board policy development kit
prepared by the Educational Policies Service
of the NATIONAL SCHOOL BOARDS ASSOCIATION

BOARD POLICIES ON NEGOTIATIONS

EPS cat. no. 72-72 November, 1972

This is the 19th in a continuing series of kit-booklets issued to help school boards develop written policies in key subject areas. All policy samples and other policy resources reproduced herein have been selected from the files of the Policy Information Clearinghouse of the National School Boards Association's Educational Policies Service (EPS/NSBA) and coded to the EPS/NSBA policy codification system.

The intent in providing policy samples is to encourage thinking in policy terms; to provide "something to start with"--working papers to be edited, modified, or adapted to meet local requirements. Administrators of EPS/NSBA member organizations should file this booklet for continuing reference in their master copy of the Educational Policies Reference Manual.

These materials are disseminated for information only and do not necessarily reflect official viewpoints of the National School Boards Association.

Additional kits may be ordered from the National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 at the following rates: 1-3 kits @ $2.00; 4-7 kits @ $1.80; 8-10 kits @ $1.60; 11 or more kits @ $1.50. Postage and handling charge added unless payment accompanies order--and payment should accompany all orders under $6.00 in value.

Write to the EPS/NSBA Clearinghouse (address below) for information about previously-published kits in this series.

EPS/NSBA POLICY INFORMATION CLEARINGHOUSE
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Board policies can give needed order and direction to the bargaining process.

Editor's Note: Harry A. Becker, author of the discussion below and many other articles about negotiations, was, from 1953 to 1971, superintendent of schools in Norwalk, Conn., the site of the nation's first teacher's strike (in 1941). Dr. Becker is currently serving as acting president of Westfield State College in Massachusetts.

Is it worthwhile for a school board to have policies in regard to negotiations? "Why bother," some board members may ask. "Everything is up for grabs." The answer is that policies can give order and direction to negotiations. By having policies, it is possible to reduce controversy--and sometimes even to avoid requests for negotiations.

Although negotiations are an important decisionmaking process, negotiation is not the only decisionmaking process. The other decisionmaking processes include:

° Unilateral action by the board

° Consultation with other individuals and groups in which the board "meets and confers" before taking action

° Ad hoc advisory committees--composed of representatives of concerned parties--in which the committees prepare recommendations for consideration by the board

° Staff members serving on a task force or committee which prepare recommendations

° Public hearings

° Public meetings at which the public is heard before the board takes action

° Third party settlements: mediation--the mediators seek to compromise differences in ways which will be acceptable to the principal parties; fact-finding--third parties seek to determine the facts and make recom-

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mendations for consideration by the principal parties; and arbitration--the arbitrators render what they consider a just and equitable decision on the issues.

The basic difference between negotiations and the decisionmaking processes where the board alone makes the final decision is that negotiations require the consent of both parties. Negotiations result in bilateral agreements approved by both parties. It follows, therefore, that negotiated agreements can be changed only by the consent of both parties.

Sources of Pressure

Although negotiations differ from other decisionmaking processes in a basic respect--namely, bilateral approval--all decisionmaking processes are related. When other participatory decisionmaking processes are neglected or vague, the pressure for negotiations as a guaranteed participatory process increases.

We live in an era of organized groups. Everyone wants a piece of the action. People not only want the opportunity to speak out on the issues, but they want assurance that they are being listened to and will have influence in matters that concern them. At least some of the compulsory negotiation laws passed in recent years have been reactions against what was believed to be inadequate opportunities for participation in decision making.

If the board is to develop a favorable image with staff members, students, and citizenry, policies which deal with negotiations and with other forms of decision making should show that the board is reasonable and responsible rather than arbitrary and capricious. Policies on negotiations should facilitate, not obstruct, constructive negotiations. Other decisionmaking processes also need to be clearly defined.

Basic Minimums

What are some of the basic minimums that might characterize a well-developed set of policies on negotiations?

First, the policies should reveal a willingness to deal with duly organized groups of employees and to recognize duly elected bargaining agents.

Second, the negotiators for the board should be identified and given authority to negotiate.

Third, requests for matters to be negotiated are to be exchanged by both parties on a designated date.

Fourth, they should ensure that a comprehensive agreement is to be reached on all matters under negotiation and agreements on individual matters are conditional upon reaching general agreement.

Fifth, they should safeguard the citizen's right to know what is being negotiated and what the cost will be. At the same time, it is to be

recognized by all that negotiations can be conducted better without the glare of publicity. Nevertheless, public information statements should be released periodically and every effort should be made by the board to arrange for these statements to be issued jointly by both parties.

Sixth, the policies should indicate that the board will negotiate on negotiable matters at all reasonable times.

Seventh, if strikes are illegal in your state, the policies should indicate that the board will take all available and necessary legal action to have the schools re-opened in the event of a strike or similar job action. The board must not negotiate under the duress of a strike.

Eighth, to the extent permitted by law, the policies should consider third party efforts for settlement with the board making the decision regarding the use of third parties for each separate issue where the use of a third party is under consideration.

What is Negotiable?

What is negotiable? Spokesmen for bargaining units often take the position that any matter is negotiable unless the board is forbidden by law to negotiate it. While this may be a correct legal interpretation, it is not a complete answer. The board may not be forbidden to negotiate a matter. At the same time, the board may not be required to negotiate this matter.

Some boards, after long periods of refusing to negotiate at all, have negotiated too many matters. Negotiations are not the preferred process for some educational decisions. These decisions should be made after participation by all concerned including staff members with special expertise. Such matters include the school calendar; what to teach; how to teach; class size; size of school; site selection; and so forth.

But what about grey areas--discipline, for example, which is a matter of increasing concern to teachers. The National Education Association contends that discipline is "one of many areas of joint concern" subject to negotiations. Some negotiated contracts have included provisions such as lists of punishable offenses and suitable punishments; procedures for identifying and handling disciplinary problems; and provisions for special help for problem children. There is no doubt that discipline is a problem in many schools. The question is whether it is a problem that can be better resolved by negotiations or by other decisionmaking processes.

Obviously, school boards and all concerned should give serious consideration to what is included in a negotiated contract. Important as the negotiation process is, it is not a panacea to be used to the exclusion of other ways to arrive at decisions.

Other Voices To Be Heard

Once a contract is negotiated and approved by both parties, the decisions become bilateral policies that can be changed only by the consent of both parties. To avoid (or at least minimize) requests to negotiate matters that

can be better determined by other decision processes, there should be clearly-stated policies which encourage alternative modes to arrive at consensus on important matters. Policies should state affirmatively why there are consultation, hearing, and recommendation procedures. It needs to be pointed out that members of the professional staff have fields of expertise and that their recommendations will receive serious consideration by the board. The board should expect recommendations on educational matters to be made as a matter of routine by its staff. There is also need for policy clarification which recognizes that some matters (such as the school calendar) concern many groups--parents, civic organizations, and religious leaders as well as staff. The board is obliged to give all views serious consideration.

The right of students to be heard on matters affecting their education is clearly recognized today. Student views may sometimes be in conflict with the views of the "establishment" or professional groups. Nevertheless, responsible students' opinion must be included as an important input for making decisions.

Written policies on negotiations and other decisionmaking processes demonstrate that the board wants to share decision making in responsible and rational ways with those concerned. They are a sign that the board believes in participatory democracy in action.

--Harry A. Becker

TWO IMPORTANT COMMENTS ABOUT THE SAMPLES IN THIS KIT

1. *The display of sample school board policies in this kit does not distinguish between policies adopted unilaterally by school boards and those which resulted from bilateral negotiations. The reason is that a school board's master contract with an employee organization is a policy document, regardless of whether or not specific provisions appear in the "official" policy manual. For suggestions on how to file policy information from master contracts in a codified policy manual, see page 28 of The EPS/NSBA Handbook on School Board Policies.*

2. *It should also be noted that statutes governing negotiations differ greatly from state to state. Hence, the use of any of the policy samples or exhibits to be found in this kit should be checked for conformance to state law before being adopted as a policy of your board of education.*

EPS/NSBA File: HAA-E

PROFESSIONAL NEGOTIATIONS LEGAL STATUS

THE NATIONAL SCHOOL BOARDS ASSOCIATION BELIEVES THAT THE ISSUES OF BOARD-STAFF RELATIONSHIPS ARE MATTERS FOR STATE AND LOCAL DETERMINATION, AND IT THEREFORE OPPOSES FEDERAL LEGISLATION REGULATING NEGOTIATIONS AND OTHER ASPECTS OF RELATIONS BETWEEN SCHOOL BOARDS AND STAFF.

Rationale

Since state and local units have a constitutional responsibility to provide public education and to perform their contracts with teachers, they should retain the legal power to negotiate and decide the terms of their obligations. Apart from the question of legal power, it is felt that the state and local agencies should be the judges of what value to place on the benefits offered by the other side (what they can afford to give up, when they have arrived at a fair bargain, what rules they will expect to be bound by in negotiations, etc.) rather than being wedded to national controls.

Accordingly, the National School Boards Association believes that federal controls in this area would not only interfere with local and state freedom of contract, but, as a matter of policy, would be a major misguided step toward federal control of education.

SOURCE: Resolution #35 on "Negotiations" adopted by the Delegate Assembly of the National School Boards Association
DATE: 4/72

EPS/NSBA File: HAA

PROFESSIONAL NEGOTIATIONS LEGAL STATUS

The Somerset County Board of Vocational Education negotiates salary and other conditions of employment with its professional staff under requirements and subject to limitations set forth in Chapter 303, Public Laws of 1968, of the State of New Jersey.

This legislation requires Boards of Education to:

1. Recognize and negotiate with duly chosen faculty associations.

2. Enter into written agreement with local associations.

3. Negotiate written policies setting forth grievance procedures.

SOURCE: Somerset County Vocational and Technical School District, Somerville, N.J.
DATE: 1971

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EPS/NSBA File: HAB

PROFESSIONAL NEGOTIATIONS GOALS AND OBJECTIVES

The Addison Teachers Association and School District 4 enter into professional negotiations for the purpose of establishing a democratic atmosphere in which to work, to provide quality education under good working conditions, and to provide an orderly method of disposing of grievances and disputes. Attainment of objectives of the educational program of the school requires mutual understanding and cooperation between the Board and the professional teaching personnel.

Teaching is a profession requiring specialized qualifications and the success of the educational program in the District depends upon the maximum utilization of the abilities of teachers who are satisfied with the conditions under which their services are rendered.

The District and the Association recognize their mutual responsibility to meet at reasonable times and negotiate in good faith with respect to wages, hours, and working conditions. Both parties agree to deal with each other openly and fairly and to sincerely endeavor to reach agreement on items being negotiated.

SOURCE: School District 4, Addison, Ill.
DATE: 1971

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EPS/NSBA File: HAB

PROFESSIONAL NEGOTIATIONS GOALS AND OBJECTIVES

The Board of Education of District 60 and the New Athens Teachers Association recognize that the ultimate aim of public schools is to provide the best education possible for children and youth in the district. Attainment of these educational objectives (which is a joint responsibility of the Board of Education, the administrative and supervisory staff, and the professional teaching personnel) requires staff participation in the consideration of matters of mutual concern, including those affecting salary and other matters related to professional service.

Further, the attainment of educational objectives of the district requires mutual understanding and cooperation between the Board, the administrative and supervisory staff, and the professional teaching personnel. To this end, free and open exchange of views is desirable and necessary, with all parties participating in deliberations leading to the determination of matters of mutual concern.

SOURCE: New Athens Community Unit School District No. 60, New Athens, Ill.
DATE: 7/1/68

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SCOPE OF PROFESSIONAL NEGOTIATIONS

The subjects of negotiation shall include remuneration, benefit provisions, conditions of employment, and other mutually agreed upon terms and conditions of professional service.

SOURCE: South Euclid-Lyndhurst City Schools, Cleveland, Ohio
DATE: Revised 1/19/70

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In order for the Lovington Board of Education to ascertain what items the professional negotiating group considers as of common concern, the designated and/or elected negotiating group shall submit a topical outline in writing at the beginning of each school year (September) to the Superintendent of Schools who shall include information pertinent thereto on the official agenda for the September meeting of the Board. The negotiating group shall attend the said meeting of the Board of Education; and after a discussion of the topics thus listed by the negotiations group, the Board shall determine which item(s) are negotiable; provided, however, the negotiating group shall not be denied the privilege of presenting topics and/or problems at any time during the academic year.

SOURCE: Lovington Public Schools, Loving, N.M.
DATE: 1965

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EPS/NSBA File: HAD

PROFESSIONAL NEGOTIATIONS
BOARD RIGHTS AND DUTIES

The Board, as the duly constituted representative of the people and as the agent of the State, is legally responsible for the conduct of public education in this District and its authority to make final decisions as provided for by law may not be delegated or abdicated.

The Board's rights include, but are not limited to, all matters relating to the management of the schools and its administration; the employment and direction of staff; and the determination of the District program of instruction.

The Board has the duty, under the law, to [meet and confer; bargain; negotiate] with professional staff on matters of salary and certain other conditions of employment.

SOURCE: Various school districts

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BOARD NEGOTIATING AGENT

It is the policy of the Board to hire a consultant to serve as chief negotiator in negotiations with the professional staff. One or more members of the administrative staff may also be appointed to serve on the Board's negotiating committee.

SOURCE: Somerset County Vocational and Technical School District, Somerville, N.J.
DATE: 1971

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The Assistant to the Superintendent--Personnel will negotiate contracts with the Byram Hills Teachers' Association, department chairmen, and Civil Service employees and take part in any mediation, arbitration, or fact-finding proceedings.

SOURCE: Byram Hills Central Schools, Armonk, N.Y.
DATE: 1970

* * * * *

The Lovington Board of Education designates the Superintendent of Schools as the official representative of the School Board on matters of common concern, as determined by the Board as being negotiable, in the preliminary stages of negotiations. However, the final decision on any matter and/or problem of common concern, considered by the Board as negotiable, shall be made by the Board.

SOURCE: Lovington Public Schools, Lovington, N.M.
DATE: 1965

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EPS/NSBA File: HAF

SUPERINTENDENT'S ROLE IN PROFESSIONAL NEGOTIATIONS

The Superintendent is to be present at all negotiations meetings and participate in all negotiations between the teachers and the Board.

Out of his knowledge of the Branford School System and practices elsewhere, the Superintendent is expected to provide information and counsel to both the Board and the teachers.

The Superintendent is to advise both the Board and the Branford Education Association in accordance with his best professional judgment, and should be actively involved in all proceedings between the two groups.

SOURCE: Branford Public Schools, Branford, Conn.
DATE: 1970

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SUPERINTENDENT'S ROLE IN PROFESSIONAL NEGOTIATIONS

The superintendent's role in negotiation...will be determined by a number of factors. First, his own philosophy toward negotiation and personal preferences will have a major bearing on the role he will assume. Secondly, the board of education may dictate how he will function. Thirdly, state statutes often specify his role. Fourthly, the current climate of teacher-administration relations and the history of those relationships will have a bearing on the matter. A fifth factor may well be the degree to which influence from teacher organizations at the state and national levels is exerted upon the local organization to press for a certain pattern of negotiation procedure.

Today, negotiation in education is done in a variety of ways, and the superintendent is performing his role in no single manner. Therefore, the superintendent will have to judge which role best suits the needs of his school system. He should not hesitate to be the chief negotiator if all of the existing conditions dictate that he should. If they do not, he need not feel he has to conform to a negotiation pattern that is not deemed necessary or appropriate for his situation.

SOURCE: The School Administrator & Negotiation, American Association of School Administrators, p. 11
DATE: 1968

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PROFESSIONAL STAFF RIGHTS

It is recognized that teaching is a profession requiring specialized educational qualifications and that the success of the educational program in the district depends upon the maximum utilization of the abilities of teachers who are reasonably well satisfied with the conditions under which their services are rendered. As evidence of its acceptance of the professional rights and responsibilities of teachers, the [teachers association] has endorsed the Uniform Code of Ethics of the Education Profession. It is further recognized that teachers have the right to join, or not to join, any organization for their professional or economic improvement. Further, any individual or group of teachers may present views and opinions to the Board.

SOURCE: New Athens Community Unit School District No. 60, New Athens, Ill.
DATE: 7/1/68

* * * * *

The Board recognizes the right of its employees to (1) associate themselves with such legal and recognized professional labor, social, and fraternal organizations they desire; and (2) to bargain collectively through such organizations as the employees in any classification may elect as their agents. Nothing in the provisions of this policy precludes the right of employees to present their individual bargaining problems to the Board of Education.

SOURCE: School District of the City of East Detroit, Mich.
DATE: 6/62

* * * * *

As a duly elected body exercising governmental power under color of the law of the State of Illinois, the School Board undertakes and agrees that it will not directly or indirectly discourage or deprive or coerce any teacher in the enjoyment of any rights conferred by the laws of Illinois or the Constitution of Illinois and the United States; that it will not disciminate against any teacher with respect to hours, wages, terms, or conditions of employment by reason of his membership in the Addison Teachers Association or collective professional negotiations with the School Board, or his institution of any grievance, complaint, or proceeding under the [ATA-Board] agreement or otherwise with respect to any terms or conditions of employment.

SOURCE: School District 4, Addison, Ill.
DATE: 1971

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EPS/NSBA File: HAG-E

PROFESSIONAL STAFF RIGHTS AND RESPONSIBILITIES

School boards should recognize the great contributions to overall planning that can come from the knowledge and experience of classroom teachers, administrators, and other professional personnel and should give careful consideration to plans, suggestions, and recommendations of these professional people in the area of teaching conditions, needs, and personnel problems.

In determining general policies relating to the operation of the schools, handling of personnel problems, and the general welfare of all professional personnel, each local school board should set up satisfactory procedures for communication with all professional personnel. Such procedures should recognize that the function of the professional practice of teaching requires that individual teachers have and exercise full freedom of association, expression, organization, and designation of representatives of their own choosing for the purpose of conferring with school boards concerning the terms and conditions of their employment.

Strikes, sanctions, boycotts, or other concerted actions which interfere with the orderly functioning of the public school system are improper procedures to be used by public school employees. These conflicts in employee-employer relations can be avoided or minimized if school boards and teacher organizations each respect the legitimate role of the other and recognize that neither has any legal or moral right to engage in acts or practices which jeopardize the right of students to receive an education.

SOURCE: Statement of Beliefs and Policies of the Delegate Assembly, National School Boards Association
DATE: 1968

EPS/NSBA File: HAHA

METHOD OF DETERMINING PROFESSIONAL STAFF
NEGOTIATING ORGANIZATION

The Rockford Board of Education shall accept as the sole representative of the instructional staff the professional organization which obtains a plurality of the votes cast at an election duly called and held in accordance with the regulations of the Rockford Board of Education. The entire cost of the election will be borne by the challenging organization or organizations. Such election will be conducted by the American Arbitration Association.

SOURCE: Rockford Unit School District, Rockford, Ill.
DATE: 1969

* * * * *

The Board as a committee of the whole or its Personnel Committee will work with teachers' representatives in the consideration of salary schedules, personnel relations, and other appropriate matters.

If more than one teachers' organization exists and the organizations reach an agreement on the composition of a committee to represent the teachers, the Board will recognize the committee for that purpose.

Upon written request by at least 20% of the professional staff, the Board will arrange for a referendum to determine which organization shall represent the professional staff in negotiations with the Board. The referendum, which will be held under the supervision and rules of the Board, will be conducted by secret ballot open to all members of the professional staff. Referenda will be decided by a majority of the votes cast. The referendum result will obtain for a period of not less than two years, after which, upon written request as above, another referendum may be held.

Salary agreements made with the organization successful in the initial referendum will obtain for [two] school years.

Petitions for a referendum will be received by the Board only in the period October 1-15 of any school year in which they are eligible for presentation.

SOURCE: Groton Public Schools, Groton, Conn.
DATE: 1/69

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EPS/NSBA File: HAHB

PROFESSIONAL STAFF NEGOTIATING ORGANIZATION PRIVILEGES

1. Employee organization officers and representatives are granted access to work locations only at such times as would not interfere with or hamper the educational process or the normal working operations of the district. The administrator in charge, or in case of his absence his representative, shall be contacted and he will determine if the educational process is interfered with or the normal work operation hampered prior to the granting of access to work locations.

2. Employee organizatons, their officers, and their representatives may use the district mail delivery service for communications and notices. Employee organizations may use bulletin board space designated by the chief administrator of the building for posting notices. Copies of all notices to be posted or put in district mail for general distribution will be sent to the Superintendent's Office.

3. Employee organization meetings in district buildings involving attendance of employee members will be held prior to the beginning of the work day or following the end of the work day of the employee attending. Such meetings will be subject to the provisions of the Civic Center Act of California and district policies and regulations pertaining to the Civic Center Act.

4. Nonconfidential information pertaining to employment relations will be available upon request to any employee organization recognized by the Board of Education, providing such employee organization makes available to the district nonconfidential information it may have pertaining to employee relations. Printed materials will be provided upon request, one copy per organization. All requests for nonconfidential information will be directed to the Superintendent.

5. District supplies are available for organization purposes and payment for such supplies will be made to the Business Office.

SOURCE: Redondo Beach City School District, Redondo Beach, Calif.
DATE: 4/19/71

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EPS/NSBA File: HAI

PROFESSIONAL PERSONNEL NEGOTIATIONS
BARGAINING MEETING PROCEDURES

Meetings to discuss negotiable items may be requested by the chairman of the Association's negotiating committee, the Superintendent, or the Board. A written request, stating specifically the reason for the meeting, must be directed by the aforementioned chairman to the Superintendent or by the Superintendent to the chairman. A meeting must be held at a mutually convenient time within ten days after the request has been submitted unless both parties agree to an extension of time. The specific items proposed for negotiation shall be exchanged at least 48 hours prior to the scheduled meeting. The chairman of the Association's Negotiating Committee and the Superintendent shall establish the agenda during the intervening time.

Negotiation meetings shall be held in executive session at a mutually agreed upon location.

During the meeting either group may recess for independent caucus or conference as necessary.

Minutes will be kept of all meetings with copies furnished to all participants. The clerical assistance for this purpose will be furnished by the Board.

Before the close of each meeting, a statement shall be drafted to which all parties agree as representing the developments and understandings occurring at the meeting. Also, the date and time of the next meeting, if necessary, shall be established.

When it is mutually agreed that negotiations shall take place during the school day, any teacher so engaged shall be released from regular duties without loss of salary.

SOURCE: South Euclid-Lyndhurst City Schools, Cleveland, Ohio
DATE: Revised 1/19/70

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PROFESSIONAL PERSONNEL NEGOTIATIONS
BARGAINING MEETING PROCEDURES

The following are guidelines of agreement which shall enable progress to be effectively achieved:

1. The welfare of students and their education shall be the most important responsibility of the negotiations teams.

2. The Board and Administration shall be entitled to a negotiating team consisting of six representatives. The PHMTA shall be entitled to a negotiating team consisting of six representatives. The 12 members shall be referred to as the Negotiations Council and shall be expected to represent the respective organizations at each meeting.

3. All members of the Council shall be currently employed in the P-H-M School Corporation or be members of the Board of School Trustees.

4. Resource persons from within or without the corporation may be present at a Council meeting with the mutual consent of both teams.

5. A Council meeting may be initiated by the Superintendent or the President of the PHMTA. The meeting must be requested in writing with a specific agenda, which clearly identifies each item. No departure from the agenda can be made unless there is a mutual agreement by both teams.

6. Either party upon receiving a request to meet shall agree to a time and place within 10 days after receiving the request.

7. During negotiations each and every item submitted by both parties shall be clearly written and identifiable. Other additional proposals may be submitted only by the mutual agreement of both teams.

8. Both teams on the Negotiating Council have the right to make counter proposals.

9. A Council meeting shall not exceed three clock hours from beginning to end of actual discussion.

10. Both teams have the right to request a caucus at any time during a Council meeting. The time spent in caucus shall be set in advance of recess and shall not exceed 20 minutes except by mutual consent and shall not be a part of the three hour time limit.

11. Any Council meeting which does not conclude its agenda within the three hour limit shall require both teams to agree within 10 days to another meeting, time, and place. The same agenda or a new agenda shall be arranged prior to the next Council meeting.

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12. The Negotiations Council shall have the authority to appoint joint study committees to engage in cooperative research for all matters other than salary or fringe benefits whenever it is deemed necessary. These committees shall report directly to the Council at the conclusion of their study.

13. The Council recognizes that both teams have the authority to negotiate for their respective groups but also realize that final agreements require the ratification and approval of both the Board of School Trustees and the membership of the PHMTA respectively.

14. In the event of an impasse each organization shall select a representative. These two representatives shall select or employ a third person and the same three individuals shall submit a recommendation in an attempt to resolve the impasse.

15. The mediator selected or employed during an impasse shall have no authority other than in an advisory capacity.

16. All costs required to employ a mediator shall be equally shared between the school corporation and the PHMTA.

17. The Negotiations Council and its representatives shall abide by all state and federal laws which may apply to the P-H-M School Corporation and its Board of School Trustees.

18. This agreement may be revised by mutual agreement as the need arises.

19. This Negotiations Guidelines agreement shall be in effect until January 1, 1970 and shall be renewed annually for a period of one year unless one of the parties shall have notified the other at least 30 days before the expiration date that it will not accept renewal.

20. All agreements and/or disagreements between the teams of the Negotiations Council shall not be made public orally or in writing to any member of the press or communications media after negotiations have formally begun unless a jointly agreed and prepared statements is released by the Negotiations Council.

21. The PHMTA is entitled to speak in behalf of the certified employees and it shall be responsible for negotiating in the interest of all said employees without discrimination or regardless of employee membership.

22. The Council shall attempt to resolve all matters pertaining to salaries and contracts by May 1 of each year.

SOURCE: Penn-Harris-Madison School Corporation, Mishawaka, Ind.
DATE: 4/10/69

EPS/NSBA File: HAID

BARGAINING MEETINGS
DISTRIBUTION OF INFORMATION

The Addison Teachers Association agrees to furnish the School within a reasonable period of time, after a written request from the School, collected data it has relevant to welfare and salary items being negotiated and such other relevant information as will assist the School in its consideration and evaluation of educational goals and practices.

The School agrees to furnish the Association within a reasonable period of time following its written request with information it has available which is relevant to the lawful demands of the Association, including information concerning the financial resources of the District should ability to pay higher salaries come into question, and other relevant information which will assist the Association in developing intelligent, relevant, and interesting programs on behalf of the students, teachers, and educational programs.

SOURCE: School District 4, Addison, Ill.
DATE: 1971

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EPS/NSBA File: HAIH

BARGAINING MEETINGS
PROGRESS REPORTING

Periodic progress reports and news releases may be issued during negotiations provided that any such release shall have the prior approval of the participants.

SOURCE: South Euclid-Lyndhurst City Schools, Cleveland, Ohio
DATE: 1/19/70

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BARGAINING MEETINGS
PAYMENT OF COSTS

The Board and the East Orange Education Association will cause 1,200 copies of...[the annual] Agreement to be printed and to share equally in the expense thereof. Copies of this Agreement shall be distributed in the following quantities:

800 copies to the Association
400 copies to the Board

SOURCE: East Orange Public Schools, East Orange, N.J.
DATE: 7/1/72

* * * * *

The parties may utilize the services of qualified professional and lay consultants to assist in all negotiations. The cost of such consultants shall be borne by the party requesting them.

SOURCE: South Euclid-Lyndhurst City Schools, Cleveland, Ohio
DATE: 1/19/70

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EPS/NSBA File: HAK

RATIFICATION AND IMPLEMENTATION PROCEDURES

When an agreement is reached through negotiating, the outcome shall be reduced to writing and submitted to the Association and Board for formal approval. Upon approval, the agreement shall be signed by the parties and shall become part of the official minutes of the Board. When necessary, the provisions of the agreement shall be reflected in individual contractual terms. No provisions of the resulting agreement shall discriminate against any staff member regardless of membership or nonmembership in the Association.

SOURCE: South Euclid-Lyndhurst City Schools, Cleveland, Ohio
DATE: Revised 1/19/70

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EPS/NSBA File: HAM

IMPASSE PROCEDURES

If the Board of Directors and PAEA fail to reach agreement, or if an agreement is not ratified by the Board or the PAEA, either party may declare an impasse and, five days after notification of the Board and the PAEA of the impasse, may request the State Superintendent of Public Instruction to appoint a special committee to assist and advise in the resolution of differences. Expenses incurred by the special committee shall be shared equally by the Board and the PAEA.

Negotiations shall resume between the PAEA and the Board within five days after receipt of the report of the special committee appointed by the State Superintendent of Public Instruction.

In the event of continued failure to reach agreement, it is assumed that the Board and PAEA will individually or jointly take whatever action is deemed appropriate and is not in violation of the laws governing such action.

SOURCE: School District #21, Port Angeles, Wash.
DATE: 1967

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PROFESSIONAL PERSONNEL JOB ACTIONS

Professional education associations, in an effort to produce changes in school systems, have applied sanctions and on occasion strikes and other work stoppages. Such work stoppages have had harmful effects upon students, upon the morale of teachers, and upon the image of teachers held by most members of the general public. In some instances children have been denied eligibility to participate in selected district-wide, regional, or state activities because of a work stoppage. This is inexcusable. In this period of human progress we believe that impasses in public employment can be avoided or quickly overcome by use of such procedures as mediation and arbitration and that work stoppages should not and cannot be tolerated.

The management team has a responsibility to keep the schools open. If the schools experience a work stoppage the management team has an obligation to remain on the job to protect the students who report to school, to maintain communication within the community among parents, teachers, and the public, and to seek through reasonable methods to protect school property.

We urge state legislatures, in states lacking the desirable legislation, to enact laws which will exert pressure toward peaceful mediation and/or advisory arbitration while at the same time maintaining the operation of the regular school programs.

SOURCE: Resolution #19, "Sanctions and Work Stoppages," American Association of School Administrators
DATE: 2/72

Information Exhibit Samples (green sheets) are distributed by EPS/NSBA for demonstration purposes and do not necessarily reflect official viewpoints of the National School Boards Association unless so noted above. Editing from originals has been for reasons of space, style, or coding requirements only.

PROFESSIONAL PERSONNEL JOB ACTIONS
(Administrative Plan)

The board and administrative team agree to mutually develop an administrative plan that will be used during any work stoppage affecting the school district.

In case of a teachers' strike, work stoppage, or withholding of services, the administrator will, upon direction of the superintendent or his designee, be at his assigned location to provide protection and safety of the pupils, staff, and facilities, and will follow carefully the administrative plan relating to work stoppage.

1. Each principal should attempt to estimate the effects of a strike on his school so that he may:

   a. determine potential sources of trouble
   b. set up meaningful emergency learning programs
   c. prepare for physical security and safety of pupils, staff, and plant
   d. have access to possible substitutes
   e. recruit parent and community volunteer help.

2. A police officer or police officers should be assigned to the central office for direct communication in the event of an emergency.

3. If possible and safe, for the pupils and faculty, each school should be opened every day.

   a. Within the first hour, the principal should evaluate the situation, e.g., number of pupils, teachers, clerks, etc.
   b. Subsequently, he may call in to an assigned central office administrator for an immediate review of the situation.
   c. Based upon the evaluation and phone conference, an immediate decision should be made to keep the school open or to close it.
   d. If a school is closed, its staff can be held on standby or immediately reassigned to other schools.

4. A strong substitute recruitment-and-assignment program should be organized by the central office.

5. All teachers threatened, intimidated, or hesitant about entering their own school should be able to report to the central office for reassignment.

6. A careful log of all problems and incidents during the strike should be kept in each school.

7. All arrangements for press contacts, permission for reporters and photographers to enter schools, and statements to the media should be made well in advance.

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8. All professional central office staff should report at least one hour early so they may be reassigned to schools or other locations to meet the needs of the day.

9. Noncertificated personnel should not be permitted to teach classes. Volunteers can be used to patrol halls, cafeterias, playgrounds, etc.

10. Regular briefing meetings of principals with central office staff should be conducted as frequently as possible to review and evaluate the situation.

SOURCE: Management Crisis: A Solution, The National Association of Secondary Principals
DATE: 1971